

PROPOSED AMENDMENTS
PUBLIC WORKS COMMITTEE
SOLID WASTE ADVISORY COMMITTEE

Proposed by:	Assemblymember Potter
Attorney Review:	02/27/2024
First Reading:	03/07/2024
Public Works:	04/01/2024
Second Reading:	10/17/2024
Vote:	_ Aye _ Nay _ Absent

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 24-01

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SMC TO REQUIRE ~~DUMPSTER BEAR RESISTANT CANS USE~~ FOR CONGREGATE RESIDENCES ~~AND FENCING FOR CERTAIN DOMESTIC ANIMALS~~.

WHEREAS, the Assembly sees the need to address bear attractions in an effort to reduce bear-human conflict; and

WHEREAS, garbage is a known bear attraction; and

WHEREAS, certain domestic animals are known to be potential bear attractions.

NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

Section 2. Purpose.

- ~~A. To amend Chapter 6.04.010 Running at large prohibited, to define how animals shall be secured; and~~
- ~~B. To amend Chapter 8.04.035 Bear attraction nuisance to provide for violations and exemptions for those keeping certain domestic animals.~~
- A. To amend Chapter 13.20.050 Refuse containers, to require owners of multi-family dwellings to provide a waste dumpster bear resistant can.

~~**Section 3. Amendment.** The Skagway Municipal Code is hereby amended (strike through) indicates text to be deleted from and (bold underscore) indicates text added to the current code. Skagway Municipal Code, Chapter 6.04.010 Running at large prohibited, is hereby amended as follows:~~

~~6.04.010 Running at large prohibited.~~

- ~~F. Any person who keeps rabbits, chickens or other similar small domestic animals, not to include dogs and cats, in the municipality shall keep such animals securely confined at all times in thoroughly enclosed hutches or coops surrounded by an electric fence or solid six (6) foot tall wooden, galvanized, or similarly secure fence upon the animal owner's premises. The municipality may require that such animals be tagged so that their owner can be determined.~~

~~**Section 4. Amendment.** The Skagway Municipal Code is hereby amended (strike through) indicates text to~~

be deleted from and (~~bold underscore~~) indicates text added to the current code. Skagway Municipal Code, Chapter 8.04.035 Bear attraction nuisance, is hereby amended as follows:

~~8.04.035 Bear attraction nuisance:~~

~~C. Definitions. For purposes of this section:~~

~~1. "Bear attraction nuisance" means:~~

~~a. More than one-half (1/2) gallon of any putrescible material, including packaging or other surfaces to which the material is adhered;~~

~~b. Any organic material of a type which has previously attracted a bear to the property;~~

~~c. Soiled disposable diapers;~~

~~**d. Any rabbits, chickens or other similar small domestic animals, not to include dogs and cats, that are not securely confined in a thoroughly enclosed hutch or coop surrounded by an electric fence or solid six (6) foot tall wooden fence upon the animal's owner's premises.**~~

~~e. d. Exceptions. "Bear attraction nuisance" does not include:~~

~~(i) Manure or sewage;~~

~~(ii) Material in a garbage can stored outside temporarily for purposes of collection after 4:00 a.m. on a day scheduled for collection;~~

~~(iii) Living or dead flora or fauna indigenous to the property on which it is located;~~

~~(iv) Material completely enclosed in a structure or container which requires hands or tools to open;~~

~~(v) Material in a metal garbage container designed to be lifted and emptied by a garbage truck; provided, that the container is tightly covered or located within a garbage containment area behind barriers approved by the municipality as sufficient to withstand entry by a bear.~~

~~**(vii) Any rabbits, chickens or other similar small domestic animals, not to include dogs and cats, kept in accordance with 6.04.010(F).**~~

~~***~~

Section 43. Amendment. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from and (~~bold underscore~~) indicates text added to the current code. Skagway Municipal Code, Chapter 13.20.040 Preparation of solid wastes for collection, is hereby amended as follows.

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 24-01

Page 3 of 4

13.20.040 Preparation of solid wastes for collection.

A. Garbage shall be drained of surplus water, wrapped or put in bags, and deposited in an approved container for collection.

B. Ashes shall be allowed to cool before they are deposited in any container.

C. Grass clippings, leaves, garden and hedge trimmings and ordinary accumulations of tree prunings of less than one inch (1") in diameter shall be considered collectible wastes. Grass clippings, leaves and similar material shall be placed in approved containers. Bulkier accumulations, such as acceptable hedge and tree prunings, shall be cut into pieces not over four feet (4') long and placed at the designated location on the day of collection. It shall be understood that these clippings, leaves, trimmings and prunings shall not include the large accumulation of brush from extensive hedge or tree trimmings, which shall be classified as bulky wastes.

D. All cardboard boxes and/or packaging materials shall be broken down with maximum length not to exceed twenty-four inches (24").

E. On collection days, containers shall be placed at the curb or shoulder area where the premises are served from the street, and at the rear of the lot of those premises served from alleys or otherwise served from the rear. When circumstances warrant, exceptions may be made to the above, but only upon express authorization.

F. It is unlawful for any person within the municipality to:

1. To place trash out in-advance of 4:00 a.m. on the scheduled day of collection;
2. To place trash out after 8:00 a.m. on the scheduled day of collection;
3. To place or maintain trash in any collection container on any day that is not prearranged or during regularly scheduled hours on the day of collection.
4. Abandon ~~abandon~~ refrigerators, iceboxes, wardrobe trunks or any other containers, equipment or appliances having self-locking doors.

Section 4. Amendment. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code. Skagway Municipal Code, Chapter 13.20.050 Refuse containers, is hereby amended as follows.

13.20.050 Refuse containers.

A. It shall be the duty of every occupant or owner of every residence or other building, structure or premises where refuse is produced for collection, to provide and at all times maintain in good condition, one (1) or more adequate, suitable and not easily corrodible containers for such refuse. Such containers shall be equipped with adequate handles and tight-fitting covers sufficient to keep out water and to prevent disturbance by animals and entrance of insects. Each container shall not exceed a capacity of thirty (30)

gallons. The containers shall be kept closed except when being filled or emptied and shall be kept in a clean and sanitary condition.

B. It shall be the duty of every owner of every congregate residence or multi-family dwelling where refuse is produced for collection, to provide and at all times maintain in good condition, at least one (1) bear-resistant can for each dwelling or more adequate, suitable and not easily corrodible dumpster for such refuse. Such dumpster-bear-resistant can shall be able to be hoisted up by a garbage truck in order to be emptied and feature tight-fitting covers sufficient to keep out water and to prevent disturbance by animals and entrance of insects. The bear-resistant can dumpster shall be kept closed unless being filled in accordance with 8.04.035(C)(d)(ii) and shall be kept in a clean and sanitary condition.

C.B. Any container that does not conform to the provisions of this chapter, or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced by an approved container upon receipt of notice to that effect from the municipality. If not replaced within ten (10) days after receipt of such notice, the nonconforming or defective container shall be disposed of by the collector as waste.

Section 5. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 6. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this __ day of _____, 2024.

Sam Bass, Mayor

ATTEST:

Steve Burnham Jr., Borough Clerk

(SEAL)